



January 09, 2023

Pennsylvania Natl Mut. Cas. Ins. Co.  
P O Box 2361  
Harrisburg, PA 17105-2361  
NAIC # 14990

Certified Mail  
Return Receipt Requested  
7020 1290 0001 6217 7405  
Cashier # 230104

Re: C & C Wine & Liquor V. Pennsylvania Natl Mut. Cas. Ins. Co.  
Docket # 81741

To Whom It May Concern

Pursuant to Tennessee Code Annotated §56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served January 05, 2023, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Designated Agent  
Service of Process

Enclosures

cc: Circuit Court Clerk  
Madison County  
515 S. Liberty St, Ste 200  
Jackson, Tn 38301

## THE SONGSTAD LAW FIRM, P.C.

RANDALL N. SONGSTAD\*

\* Rule 31 Listed General Civil Mediator

254 Court Ave. # 505  
Memphis, TN 38103

Tel: 901-870-5500

Email: tsongstad@gmail.com

December 30, 2022

**VIA U.S. MAIL**

Ms. Jerald Gilbert  
State of Tennessee  
Department of Commerce and Insurance  
500 James Robertson Parkway, 7<sup>th</sup> Floor  
Nashville, TN 37243

Re: Service Documents for Penn National Ins. Co. NAIC Co. Code: 14990  
Dear Ms. Gilbert:

Enclosed please find the Service Documents for Penn National Insurance Co. Please serve the Defendant and send the proof of service back to the above address. Also, enclosed is our check for \$15.00 for the service fee.

Sincerely,



Randall N. Songstad

RNS:ms  
enclosures

Madison County	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 2	Case Number 81741
C & C Wine and Liquor	Vs. Penn National Insurance Company	

Served On:

Penn National Insurance Company 2 N 2nd St, Harrisburg, Pennsylvania, 17101

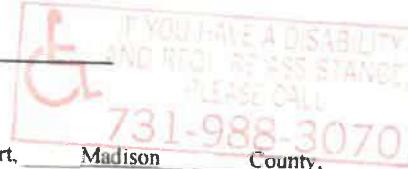
NAIC CoCode: 14990

You are hereby summoned to defend a civil action filed against you in Chancery Court, Madison County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: September 16, 2022

Clerk / Deputy Clerk Bonnie K. Hill

Attorney for Plaintiff: Randall N. Songstad  
254 Court Ave, Ste 505, Memphis, TN 38103



**COPY**

**NOTICE OF PERSONAL PROPERTY EXEMPTION**

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to \_\_\_\_\_, Clerk, \_\_\_\_\_ County

**CERTIFICATION (IF APPLICABLE)**

I, \_\_\_\_\_, Clerk of \_\_\_\_\_ County do certify this to be a true and correct copy of the original summons issued in this case.

Date: \_\_\_\_\_

Clerk / Deputy Clerk

**OFFICER'S RETURN:** Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Please Print: Officer, Title

Agency Address \_\_\_\_\_

Signature \_\_\_\_\_

**RETURN ON SERVICE OF SUMMONS BY MAIL:** I hereby certify and return that on \_\_\_\_\_, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant \_\_\_\_\_ On \_\_\_\_\_ I received the return receipt, which had been signed by \_\_\_\_\_ on \_\_\_\_\_. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: \_\_\_\_\_

Notary Public / Deputy Clerk (Comm. Expires \_\_\_\_\_)

Signature of Plaintiff \_\_\_\_\_

Plaintiff's Attorney (or Person Authorized to Serve Process) \_\_\_\_\_

ADA: If you need assistance or accommodations because of a disability, please call \_\_\_\_\_, ADA Coordinator, at ( ) \_\_\_\_\_

**ORIGINAL ISSUED  
RETURNED TO ATTORNEY**

Rev. 03/11

Madison	County	STATE OF TENNESSEE CIVIL SUMMONS	Case Number <i>81741</i>
C & C Wine and Liquor		Vs. Penn National Insurance Company	page 2 of 2
(Attach return receipt on back)			

ADA: If you need assistance or accommodations because of a disability, please call \_\_\_\_\_ ADA Coordinator, at ( ) \_\_\_\_\_.

**DEFENDANT'S COPY**  
**IN THE CHANCERY COURT OF MADISON COUNTY, TENNESSEE**  
**TWENTIETH-SIXTH JUDICIAL DISTRICT AT JACKSON**

C AND C WINE AND SPIRITS, INC. )  
And HOYT HAYES CONSTRUCTION, )  
INC. as Assignee )  
Plaintiff, )  
v. )  
PENN NATIONAL INSURANCE )  
COMPANY, )  
Defendant. )

CHANCERY COURT  
DOCKET NO. 81741

FILED  
TIME: 8:14 A.M. P.M.  
SEP 16 2022

PAM CARTER  
CLERK & MASTERS  
BY: B.L. Hill  
DEPUTY CLERK

**PETITION FOR DECLARATORY JUDGEMENT**

COMES NOW, C and C Wine and Spirits, Inc., by and through their attorney of record, Randall N. Songstad, and upon information and belief would state to the court as follows:

**I. PARTIES TO PROCEEDINGS**

1. C and C Wine and Spirits, Inc. is a domestic corporation with its principal place of business located at 2644 N. Highland Ave., Jackson, Tennessee 38305.
2. Claude Heath (Hereinafter referred to as "Heath") is the owner of C & C Wine and Spirits, Inc. and can be served for process at 2644 N. Highland Ave., Jackson, Tennessee 38305.
2. Hoyt Hayes Construction is a domestic corporation with it's principal place of business located at 75 Miller Avenue, Jackson, TN 38305. (Hereinafter referred to as "H.H.").

3. Penn National Insurance Company is a foreign company with its principal place of business located at 2 N 2nd St, Harrisburg, Pennsylvania, 17101. Insurer, NAIC CoCode 14990, is duly licensed to, and has sold Policies of Insurance in Tennessee, including the subject Policy of this Complaint.

**II. JURISDICTION AND VENUE**

4. Petitioner incorporates paragraphs 1-3 by reference as if verbatim.
5. Under the Tennessee Rules of Civil Procedure, Rule 57, and as codified in Tennessee Code Annotated § 29-14-101 et seq., this Court has jurisdiction to hear this matter.
6. Venue is proper because the Insured Premises are located in Madison County which makes this Court the Proper Venue.

**IV. STATEMENT OF THE CASE**

7. A fire took place at C & C Wine and Spirits, Inc., 2644 N Highland Ave, Jackson, TN 38305 on October 26, 2019. The fire was a total loss and the building was required to be rebuilt. A proof of loss was submitted in a timely manner pursuant to the policy of insurance. The claim was made with Penn National under Policy Number BX9 0737126 which was in full force and effect at the time of the loss. Penn National established a claim number, 09649119, for this claim. To date, Penn National has taken two examinations under oath to investigate coverage and appropriate documentation for the claim. Additionally, documents, invoices, and photographs have been submitted to Penn National, pursuant to the requirements of the Policy of Insurance.

Soon after the date of loss, the owner of C & C Wine and Spirits, Inc., Claude Heath executed an assignment of claim to Josh Hayes of Hoyt Hayes Construction (see Exhibit A).

Plaintiff has made a claim under the policy of insurance for Business Personal Property and Business Interruption coverages (see Policy of Insurance BP 00 03 07 13 at A. Coverage b. 1-5. Additionally see Loss of Business Income at page 7 of 53 under BP 00 03 07 13.). A dispute has arisen between all parties as to the appropriate amount of designated coverages, amount of coverages, and the rights and remedies of all the parties (see Exhibit B).

The Policy of Insurance is a RCV Policy which calls for replacement cost value of all damaged items.

**V. CAUSE OF ACTION**

Pursuant to Tennessee Rule of Civil Procedure 57 and T.C.A. § 29-14-101, Plaintiffs specifically request that this court make a declaration to the rights and remedies of the parties involved and to make a declaration regarding the value of the covered properties pursuant to the Policy of Insurance.

**VI. PRAYER FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs specifically request that this court make a declaration to the rights and remedies of the parties involved and to make a declaration regarding the value of the covered properties pursuant to the Policy of Insurance and for any other or further relief as this court deems appropriate.

Respectfully submitted,

Randall Songstad

Randall N. Songstad #018442

254 Court Avenue, Suite 505

Memphis, TN 38103

(901) 870-5500

randy@songstadlawfirm.com

STATE OF TENNESSEE  
COUNTY OF MADISON  
I, Pam Carter, Clerk & Master of the  
Chancery Court at Jackson, Tennessee, certify  
that the foregoing and attached is a true copy  
of the Order of Default Judgment  
of record in this case.

This 16<sup>th</sup> day of September, 20<sup>22</sup>

PAM CARTER  
CLERK & MASTER  
BY: Pam K. Hill

D.C. & M.



Department of  
**Commerce &**  
**Insurance**

Service of Process  
500 James Robertson Parkway  
Nashville, TN 37243

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE



First Class Mail  
ComBasPrice



7020 1290 0001 6217 7405



US POSTAGE TM/AT&T/BONIES  
ZIP 37243 **\$ 008.060**  
02 4W  
0000390153 JAN 13 2023

*Leger*  
Pennsylvania Natl Mut Cas Ins Co  
PO Box 2361  
Harrisburg, PA 17105-2361